
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

SKULL VALLEY HEALTH CARE, LLC, a
tribal entity, and SKULL VALLEY HEALTH
CLINIC LLC, a tribal entity d/b/a WARRIOR
SPIRIT RECOVERY CENTER,

Plaintiffs,

v.

NORSTAR CONSULTANTS LLC, a
Utah Company, ASHANTI MORITZ,
an individual, and DOES I–V,

Defendants.

ASHANTI MORITZ, an individual,

Third-Party Plaintiff,

v.

UNITED STATES OF AMERICA,

Third-Party Defendant.

**MEMORANDUM DECISION AND
ORDER DISMISSING THIRD-
PARTY COMPLAINT**

Case No. 2:22-cv-00326-TC-DBP

District Judge Tena Campbell
Magistrate Judge Dustin B. Pead

Before the court is the United States’ Motion to Dismiss (ECF No. 46) Defendant and Third-Party Plaintiff Ashanti Moritz’s Third-Party Complaint (ECF No. 32), which contains just one claim for wrongful termination against the United States.¹ On May 29, 2025, Ms. Moritz informed the court that she does not oppose the United States’ motion. (ECF No. 50.)

¹ Ms. Moritz’s Third-Party Complaint was originally brought against Third-Party Defendants Candace Bear, Victor Garcia, and Dwayne Wash. On April 16, 2025, the court entered an order substituting the United States as the sole Third-Party Defendant under 28 U.S.C. § 2679(d)(1) because the alleged misconduct by Ms. Bear, Ms. Wash, and Mr. Garcia fell within the scope of their federal employment. (See ECF No. 45.)

The court agrees with the United States that it lacks subject matter jurisdiction over Ms. Moritz's Third-Party Complaint against the United States because Congress has not waived sovereign immunity for wrongful termination claims. See, e.g., Aviles v. Lutz, 887 F.2d 1046, 1049 (10th Cir. 1989); McKinney v. United States, Verizon, Inc., 2016 WL 6893269, at *5 (D. Colo. Nov. 23, 2016), aff'd sub nom. McKinney v. United States, 724 F. App'x 628, 630 (10th Cir. 2018).

IT IS HEREBY ORDERED that Ms. Moritz's Third-Party Complaint is dismissed in full without prejudice, with each party to bear their own costs and fees.

It is further ORDERED that within fourteen days of this order, the remaining parties, Skull Valley Health Clinic, NorStar Consultants, and Ms. Moritz, shall file a motion for a scheduling order.

DATED this 29th day of May, 2025.

BY THE COURT:

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style.

TENA CAMPBELL
United States District Judge